

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nelson L. Bruce,)	C/A No. 2:18-cv-00332-BHH-MGB
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Niagara Capital Associates Inc., and unknown)	
parties,)	
)	
Defendant.)	

This is a civil action filed by a *pro se* Plaintiff. On February 21, 2018, the undersigned issued an Order authorizing service of process and directing the United States Marshal Service to serve the Defendant, Niagara Capital Associates Inc. (Dkt. No. 11.)

On May 2, 2018, the summons was returned unexecuted. (Dkt. No. 19.) The only information in the “Remarks” section of the form indicating why the summons and Complaint were not served is as follows: “business is no longer at this address.” (Dkt. No. 19.) Despite the fact that the Defendant is clearly identified, it does not appear--at least from the information on the USM-285--that the United States Marshals Service expended a reasonable investigative effort to locate Defendant Niagara Capital Associates Inc.

TO THE CLERK OF COURT:

The Clerk of Court is directed to re-issue the corrected summons. The Clerk is further directed to send a copy of this Order, the Complaint (Dkt. No. 1), the issued corrected summons, and the corrected USM-285 to the United States Marshal for service of process.

TO THE UNITED STATES MARSHAL:

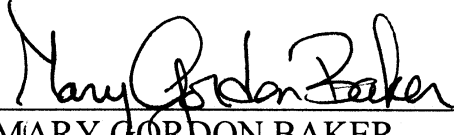
The United States Marshal shall serve the Complaint on Defendant. The United States Marshal Service must expend a ***reasonable investigative effort*** to locate a defendant once a defendant is properly identified. *See Greene v. Holloway*, No. 99-7380, 2000 WL 296314, at *1 (4th Cir. 2000) (citing with approval *Graham v. Satkoski*, 51 F.3d 710 (7th Cir. 1995)) (emphasis added). If the information provided by Plaintiff on the Form USM-285 is not sufficient for the Marshal to effect service of process, after ***reasonable investigative efforts*** have been made to locate a properly identified Defendant, the Marshal should so note in the “Remarks” section at the bottom of the Form USM-285.

TO DEFENDANT:

Defendant is directed to file an answer to the Complaint or otherwise plead.

IT IS SO ORDERED.

May 4, 2018
Charleston, South Carolina



MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE